

them; if any child die during the mother's life, leaving children, then the said children to take and stand in the place of their deceased parent."

The same trustees were appointed her executors. Three of the trustees declined the trust and executorship, two by letters of the 23d of August, addressed to B. M. Ogle, and the third, by signing a written paper, on the 29th or 30th. The will was proved by Samuel Ridout, one of the witnesses, and the executor, B. Ogle, who took out letters testamentary on the 14th September, 1815, he returned an inventory: on the 15th, a petition was filed in the Chancery Court, by the children of Mrs. Bevans, by B. Ogle, as their next friend, setting forth the will and death of Mrs. Ogle, and that the said trustees, appointed as aforesaid, by the said will, had declined acting in pursuance of the authority thereby vested in them, by reason whereof, the provisions of the said will, which were designed for the benefit of your orators, had failed to be effectual, and the benevolent intentions of the testatrix toward the orators, would be frustrated. They, therefore, pray that Benjamin Ogle may be appointed trustee, for the sale of all the above mentioned real estate, agreeably to the spirit and intention of the aforesaid will.

On the same day the petition was filed, a decree passed for "the sale of the real, personal and mixed estate, whereof the said H. M. Ogle died seized, and which by her will was directed or authorized to be sold;" on the 23d of October, 1815, the trustee reported the sale of a house and lot in Annapolis, which was on the same day ratified by the Chancellor without the usual publication: "the trustee making the sale, being one of the trustees named in the will of H. M. Ogle, and the devisees entitled to the greatest part of the proceeds being minors."

On the 15th of November, 1815, the trustee reported a sale of the residue of the real estate, which was ratified by the Chancellor on the 22d, also without the usual publication. "The devisees entitled to the greatest part of the proceeds being minors, and the trustee being their nearest relative, and the only person whose duty it would be to object to the sale if not advantageous."